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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEBORAH A. HUMPHREY,

Plaintiff,

v.

JO ANNE B. BARNHART,  
Commissioner of  
Social Security,

Defendant.

CASE NO. **2:05-CV-00088-PAN**

STIPULATION AND [proposed]  
ORDER SETTLING ATTORNEY'S  
FEES AND COSTS PURSUANT TO  
THE EQUAL ACCESS TO JUSTICE  
ACT

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that counsel for Plaintiff be awarded attorney's fees under the Equal Access to Justice Act (EAJA) in the amount of FIVE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$5,500.00), and costs in the amount of THREE HUNDRED EIGHTY ONE AND 8/100 DOLLARS (\$381.08), said amounts together representing compensation for legal services rendered on behalf of Plaintiff by her attorney in accordance with 28 U.S.C. § 2412(d).

This stipulation constitutes a compromise settlement of Plaintiff's request for all fees, costs, and expenses under the EAJA, and does not constitute an admission of liability on the part of

Defendant under the EAJA. Payment in the amount of FIVE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS in fees (\$5,500.00) and THREE HUNDRED EIGHTY ONE AND 8/100 DOLLARS (\$381.08) in costs, shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees, costs, and expenses in connection with this action, but such award will not prejudice any future request for attorney's fees under the Social Security Act, 42 U.S.C. § 406(b).

The parties further stipulate that counsel for Plaintiff will provide a facsimile of this stipulation bearing counsel's signature for retention in Defendant's case file, and hereby authorizes counsel for Defendant to file this document in PDF format under the latter's Electronic Case Filing password, pursuant to Local Rule 7-131.

DATED: December 6, 2005

/s/ Barbara M. Rizzo

Barbara M. Rizzo

Attorney for Plaintiff

DATED: December 6, 2005

McGREGOR W. SCOTT

United States Attorney

By: /s/ Bobbie J. Montoya

BOBBIE J. MONTOYA

Assistant U. S. Attorney

Attorneys for Defendant

OF COUNSEL  
LUCILLE GONZALES MEIS  
Chief Counsel, Region IX  
JOANN KIM  
Assistant Regional Counsel  
U. S. Social Security Administration

Re: DEBORAH A. HUMPHREY v. JO ANNE B. BARNHART, Case No. 2:05-CV-00088-PAN, Stipulation and Order Settling Attorney's Fees and Costs Pursuant to the Equal Access to Justice Act

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**ORDER**

Upon stipulation of the parties, plaintiff in CASE NO. 2:05-CV-00088-PAN, DEBORAH A. HUMPHREY v. Jo Anne B. Barnhart, is hereby awarded attorney fees in the amount of \$5,500.00 and costs in the amount of \$381.08, pursuant to the Equal Access to Justice Act.

**APPROVED AND SO ORDERED.**

**DATED: December 12, 2005.**

**/s/ Peter A. Nowinski**

**PETER A. NOWINSKI**

**UNITED STATES MAGISTRATE JUDGE**